--REMARKS--

Claims 2-7, 10, 11, 13-17, 20-23, 25, 26, 29 and 30 of the above referenced application are pending. Claims 2-7, 10, were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the Claim to overcome the rejection and respectfully requests reconsideration.

Claims 11, 13, 14, 16, 20 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Sullivan et al., U.S. Patent No. 4,865,200 ("Sullivan"). Claim 11 now recites that the first pair of opposed sides are **folded** out of the plane of said base member and forming arms to said base member and...a second pair of opposed sides on said base member...being **folded** out of the plane of said base member, said second pair being **folded in a direction opposite** of said first pair, said second pair portion forming legs to said base member. Sullivan does not teach or suggest a second pair of sides (i.e., legs) folded in a direction opposite that of the first pair (i.e., arms).

In order to anticipate the present Claims, Sullivan must show each limitation of the present Claims. Since Sullivan lacks a pair of legs being folded in a direction opposite a pair of arms, it cannot anticipate Claim 11 or any of the claims which depend from Claim 11.

Claims 2-7, 10, 23, 25, 26, 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sullivan, in view of Wood, U.S. Patent No. 3,221,872 ("Wood"), Cadillac et al., U.S. Patent No. 2,917,165 ("Cadillac") and Official Notice. Reconsideration of the rejections of the claims is requested.

Independent Claims 2 and 23 specify a packaging system including a base member with a central part. The base member includes a first pair of opposed sides **folded** out of the plane of the base member and forming arms to said base member and...a second pair of opposed sides on the base member...being **folded** out of the plane of the base member, the second pair being **folded in a direction opposite** of the first pair, the second pair portion forming legs to the base member. Sullivan does not teach or suggest such arm/leg elements configured on a base member.

In contrast, Sullivan shows (as seen in FIGS. 3 and 4 of Sullivan) a support member including four flaps 42 (16 in FIG. 2) all folded toward and over an article. The article is

positioned on a first side of the center of the support member. Four sidewalls 48 fold the same direction as the flaps to space the article form the inside of a shipping container. These provide a gap between the outward face of the article and the adjacent inside wall of the shipping container. The orientation of the flaps of Sullivan is completely different than the legs of the present invention and provides a different function. However, the support member is placed in a position where the face of the support member opposite the article is in direct contact with the inside of the container. This configuration, to an article like a radiator including bendable fins, would be unacceptable, as an impact to the container on that side would result in damage to the radiator since it is not spaced from the container side.

The deficiency of Sullivan is not supplied by Wood, Cadillac or Official Notice. Nothing in any of the references taken alone or in combination yields the present invention as set forth in the claims.

Nor is there any suggestion or motivation provided in the references taken alone or in combination to modify the system of Sullivan to arrive at the present claims. In contrast to Sullivan and any of the remaining references, the legs of present Claims 2 and 23 are oriented *away* from the folding direction of the arms. The legs function to space all of the base member central area away from the inner container walls in combination with a stand off element (not just one side like all the cited prior art). This is not taught or suggested by any of the references. Since none of the references taken alone or in combination teach or suggest the legs of the present claims and fail to teach the disparate folded orientation of the legs with respect to the arms, Claims 2 and 23 and the claims dependent therefrom cannot be anticipated by any combination of the cited references.

Furthermore, there is no motivation to use any of the standoff elements shown by Wood, Cadillac or according to Official Notice with the base member of the present invention. Due to the construction of Sullivan, any standoff elements would necessarily be used in a manner completely different as that specified in the present claims. Because Sullivan uses sidewalls to space the article from the container (See FIG. 1) no standoffs would be usefully positioned on the article itself or on the same side of the support member as that of the article. If standoffs or spacers were to be used they would be usefully positioned on the support member *opposite* the article and not on the article itself to space the support member from the container. This is

contrary to the present invention.

The Examiner suggests that Sullivan use a stand off in the center of the item, but obviously this use of a standoff in the center of a radiator would be a grave mistake and could actually cause damage to the fins, since a radiator has easily bendable fins in the central cooling area of the device. In contrast, the present claims specify that the standoff is positioned on a non-fragile part of the article (radiator). One example of this is one of the hose connections of the radiator.

Sullivan counterindicates, or teaches away, from the use of spacers or standoffs on the article itself. Moreover, Sullivan further teaches away from using spacers or standoffs by showing a placement of two back-to-back separate packaged items positioned in a single container as shown in FIG. 2. Sullivan goes to great lengths to show shortcomings in the use of spacers or the like and thus attempts to distinguish the Sullivan disclosure from spacers: "Attempts have previously been made to immobilize and cushion an article being shipped in order to prevent damage." (Sullivan, Col 1, Lines 21-23) Sullivan further describes the *types* of spacers used in prior art "...immobilized and cushioned by use of corrugated paperboard and filler material..." "...foam plastic to immobilize and cushion..." "...rigid foam cushion corner frames...". (Col 1, Lines 26-36) Sullivan concludes by describing a major shortcoming of the "prior package containers", "... the inadequate protection they provide against damage, particularly vibrational damage, caused by shipment. There is a need in the art for a shipping package...without the damage normally associated with the present containers". (Col 1, Lines 36-44) The cited references fail to teach, suggest or provide the motivation to use of the legs and standoff in combination as set forth in the present claims. Therefore, the cited references do not, alone or in combination, teach or suggest the present Claims 2 or 23, or the claims dependent therefrom and the rejection under §103(a) should be removed.

Claims 15, 17 and 21 are dependent upon Claim 11, which should be allowed. Therefore, Claims 15, 17 and 21 should be allowed.

For at least these reasons, we respectfully request allowance of 2-7, 10, 11, 13-17, 20-23, 25, 26, 29 and 30. In view of the amendments to the claims and remarks herein, Applicant respectfully requests reconsideration and issuance of a Notice of Allowance.

If, for any reason, the Examiner is unable to allow all of the pending claims of the Application and feels that a telephone conference would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned at (312) 673-0360.

Respectfully submitted,

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